

Legislation Drafting Standards

City of Des Moines, Washington

April 28, 1994

Revised October 20, 2004

TABLE OF CONTENTS

I.	DRAFTING ORDINANCES	1
A.	GENERAL INSTRUCTIONS.....	1
B.	AUTHORSHIP	2
C.	NUMBERING	3
D.	TITLE	3
E.	RECITALS--GENERAL	5
F.	RECITALS--SEPA & TEXTUAL CODE AMENDMENTS	5
G.	RECITALS--ADOPTION OF CODES BY REFERENCE.....	6
H.	ENACTMENT CLAUSE	6
I.	BODY	6
J.	PENALTIES	9
K.	REPEALERS	9
L.	CODIFICATION.....	10
M.	SEVERABILITY/CONSTRUCTION.....	10
N.	EFFECTIVE DATE.....	10
O.	CLOSING PHRASES AND LEGAL SIGNATURES	11
P.	SUGGESTIONS FOR COMMONLY USED CLAUSES	12
Q.	ADDITIONAL INSTRUCTIONS	12
II.	TYPING INSTRUCTIONS.....	17
III.	SAMPLE SHELL ORDINANCE FORM	19

I. DRAFTING ORDINANCES

A. GENERAL INSTRUCTIONS

1. These instructions are a general guide only, as it is not possible to set forth all possible ordinance variations.
2. Articles -- Do not use "*each*," "*any*," "*every*," "*all*," etc., if an article such as "*a*," "*an*," or "*the*" can be used with the same result.
3. Gender -- Write all ordinances in gender-neutral terms unless a specification of gender is intended. Instead of using the cumbersome disjunctive "*he or she*" or "*his or her*," it is best to avoid all personal pronouns reflecting gender, as shown in the following example: "*The Director or the Director's designee shall enforce this ordinance.*"
4. Length of Sections -- When drafting new ordinances, divide the text into short, concise sections. Short sections facilitate future amendments. As a rule of thumb, if the content of a section cannot be described in a one-line caption, divide the section into two or more sections. Short sentences are likewise preferable.
5. Limitations, Exceptions, and Conditions --
 - a. If limitations or exceptions to the coverage of an ordinance are numerous, notice of their existence should be given in the first part of the statute and they should be stated separately later in the ordinance.
 - b. If a provision is limited in its application or is subject to an exception or condition, it generally promotes clarity to begin the provision with a statement of the limitation, exception, or condition or with a notice of its existence. For example: "*(1) Except as provided in subsection (2) of this section,...*" Avoid using "*notwithstanding*" to express a limitation of a general provision of the same ordinance.
 - c. If the application of a provision is limited by the occurrence of a condition that may never occur, use "*if*" to introduce the condition, not "*when*" or "*where*." Use "*when*" to indicate a particular time. Use "*where*" to indicate a particular place or set of circumstances.
 - d. Do not use "*provided that*" or "*provided however that*," or similar proviso language. Use "*except*" to create an exception, not to describe an entire category. Instead of saying "*all persons except those who are sixty years old or older*," say "*persons who are less than sixty years old*." Also see section I(A)(7).
6. "One Subject" Rule -- While ordinances of cities organized under the provisions of the Optional Municipal Code are not limited to one subject, ordinances of the City of Des Moines shall deal with only one subject unless a compelling reason can be shown.

Legislative Drafting Standards

Page 2 of 20

7. Provisos -- Provisos should be avoided. It is often difficult to determine precisely what a proviso is attempting to modify, particularly where several provisos are used in a string. If a proviso must be used, its function should be to except something from the general clause immediately preceding it, or otherwise qualify or restrain it.

Usually, the use of "*but...*", "*except...*", or "*however...*" will accomplish the same purpose. Also see section I(A)(5).

8. References, Internal -- In referencing other parts of an ordinance, refer to specific sections (e.g., section 5 of this ordinance). Avoid references such as "*hereinbefore*," "*hereinafter*," "*preceding*," "*above*," or "*following*" since the relative position of the material referred to may be changed by amendment or may be subsequently changed in codification. Avoid through references as new sections may be placed within the beginning and ending references that may be contrary to the intent of the through reference citation. Keep references as concise as possible, e.g., "*under section 4(2)(b) of this ordinance*," not "*subparagraph (b) of subsection (4) of this ordinance*."
9. References to "this ordinance" -- Use general references to "*this ordinance*" with care. If the ordinance will become one new chapter in the code, refer to "*this chapter*." If a portion of the ordinance creates a new chapter and reference to that chapter is made in other sections of the ordinance, cite the chapter as "*chapter 19.____ DMMC (sections 10 through 15 of this ordinance)*," leaving only the chapter number blank.
10. References to Other Ordinances -- Where reference must be made to an ordinance that has not yet been codified or enacted, use the form "*section ____ (or chapter ____) of Ordinance No. ____*" or "*section ____ (or chapter ____) of Draft Ordinance No. YY-NNN*," filling in as many parts of the citation as are known at the time.
11. References to Other Statutes -- An ordinance that adopts a code, other than the DMMC, by reference adopts the specific version in effect when the ordinance was enacted. If the current form of a code adopted by reference is desired, use the language in the following example:

... *RCW 1.04.010 as presently constituted or as may be subsequently amended* ...

B. AUTHORSHIP

1. Requirement - All draft ordinances shall list at the top of the first page its author(s) together with the date of the draft.
2. Ownership - All draft ordinances are considered the property of the author(s) until its first reading before the City Council or its assignment to a City Council committee. The ownership then changes to the City Council or the City Council committee respectively.
3. Changes - Changes are made only with the consent of the owner of the draft ordinance or the City Attorney; however, the City Attorney shall notify the owner.

C. NUMBERING

1. Draft Ordinances - Draft ordinances are submitted by the author(s) to the office of the City Attorney. The office of the City Attorney shall assign a unique number to the draft ordinance. Such unique number is of the form YY-NNN, where YY is the last two digits of the current year and NNN is a sequential number. Until its passage, a draft ordinance is referred to and shall contain such number.
2. Enacted Ordinances - Ordinances enacted by the City Council are assigned a consecutive number by the City Clerk.

D. TITLE

1. All ordinances shall include a title.
2. The title should be general and comprehensive while containing sufficient information for ready identification. Think of the title as a table of contents. Avoid restrictive titles.
3. An example of the component parts of and their order of appearance in the title are as follows:

- a. The title shall begin as follows:

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON ...

- b. A broad statement of the subject matter:

relating to motor vehicles;...

- c. A restrictive explanation of the ordinance (generally avoided):

defining traffic sign installation, prescribing maintenance, responsibility of the City, including signals and devices;...

- d. The recitation of the DMMC sections amended, if any, in the order they appear in the ordinance, which is usually DMMC order:

amending DMMC 10.04.110 and 10.04.120;...

If a codified section is being amended, cite only its DMMC number.

- e. The recitation of any sections or chapters added, if any, in the order they appear in the ordinance, which is usually DMMC order:

adding a new section to chapter 10.04 DMMC; adding new sections to chapter 10.08 DMMC; adding a new chapter to Title 10 DMMC;...

- f. The creation of any new sections, if any, that are not codified:

Legislative Drafting Standards

Page 4 of 20

creating new sections;...

Except that codification directions and the severability clause do not appear in the title.

- g. The recitation of the DMMC numbers or chapters, if any, being recodified, in the order they appear in the ordinance, which is usually DMMC order:

recodifying DMMC 10.04.130;...

- h. The recitation of the DMMC numbers or chapters, if any, being decodified, in the order they appear in the ordinance, which is usually DMMC order:

decodifying DMMC 10.04.135;...

- i. The recitation of the DMMC sections being repealed, if any, in the order they appear in the ordinance, which is usually DMMC order:

repealing DMMC 10.40.100;...

- j. The recitation of uncodified sections or ordinances being repealed, if any:

repealing (list all ordinances or parts or ordinances);...

- k. If the ordinance prescribes penalties, use the phrase:

prescribing penalties;...

- l. If the ordinance carries an emergency effective date section, place the following at the end of the title:

and declaring an emergency.

- m. If all of the above components were used, which would be very unusual, the title would read as follows:

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to motor vehicles; defining traffic sign installation, prescribing maintenance, responsibility of the City, including signals and devices; amending DMMC 10.04.110 and 10.04.120; adding a new section to chapter 10.04 DMMC; adding new sections to chapter 10.08 DMMC; adding a new chapter to Title 10 DMMC; creating new sections; recodifying DMMC 10.04.130; decodifying DMMC 10.04.135; repealing DMMC 10.40.100; repealing (list all ordinances or parts or ordinances); prescribing penalties; and declaring an emergency.

- 4. The title shall not contain any information that is not in the ordinance.

E. RECITALS-GENERAL

1. Ordinances may contain recitals.
2. Recitals are advisory only but may be considered by the courts.
3. Listings of facts or occurrences that occasioned the consideration and enactment of the ordinance should be worded to avoid a situation where the need for the ordinance may exist longer after the precise facts that led to its enactment have vanished.
4. Never put a legal description in a recital.
5. Findings of fact placed in a recital are not part of the ordinance and are not codified.
6. Form.
 - a. All recitals shall immediately follow the title of the ordinance.
 - b. Each recital shall start with the word "*WHEREAS*,".
 - c. Except for the last recital in an ordinance, all recitals shall end with the word ", *and*".
 - d. The final recital shall end with the words: "; *now therefore*,".

F. RECITALS-SEPA & TEXTUAL CODE AMENDMENTS

1. If SEPA was required before passage of the ordinance, the following recital shall appear:

***WHEREAS**, the changes proposed by this ordinance have been processed in accordance with the requirements of the State Environmental Policy Act (SEPA), a final determination of non-significance was issued by the responsible official, and the appropriate comment period has expired, and*
2. If the action is SEPA exempt as a procedural action, the following recital shall appear:

***WHEREAS**, the changes proposed by this ordinance have been processed in accordance with the requirements of the State Environmental Policy Act (SEPA), and the responsible official has determined that this ordinance relates solely to governmental procedures and contains no substantive standards respecting use or modification of the environment, and is accordingly exempt from threshold determination and EIS requirements under WAC 197-11-800, and*
3. If the ordinance is a textual code change to the zoning code, the below listed recitals shall follow previous recitals, if any. The City Attorney shall delete any superfluous recitals.

***WHEREAS**, by motion regularly passed, the Des Moines City Council scheduled a public hearing for _____, 20____, to consider the textual code amendments contained in this ordinance, and*

WHEREAS, notice of the public hearing was given to the public in accordance with law and a public hearing was held on the ____ day of _____, 20__ and all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the amendments contained in this ordinance are appropriate and necessary for the preservation of the public health and welfare; now therefore,

G. RECITALS--ADOPTION OF CODES BY REFERENCE

If a statute, code, regulation, or ordinance is adopted by reference, the following recital shall appear:

WHEREAS, [description of material adopted by reference] has been filed in the office of the City Clerk for examination by the public during the time this ordinance has been under consideration by the Council prior to adoption as required by RCW 35A.12.140, and

H. ENACTMENT CLAUSE

1. All ordinances shall include an enactment clause centered immediately following any recitals, or if none, the title.
2. The enactment clause shall read as follows:

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

I. BODY

1. The body of the ordinance shall contain only those statements that will have the force of law.
2. New sections.
 - a. If an ordinance is all new material, each section shall begin as follows:

Sec. 1. Section caption. Section text...

- b. If an ordinance contains both new and amended material, all sections except amendatory sections shall begin as follows:

NEW SECTION. Sec. 2. Section caption. Section text...

- c. Adding sections to the DMMC. Whenever possible, new material intended to be codified should contain a legislative directive for placement in a new or existing chapter of the DMMC. Each section to be added to the DMMC is introduced with a heading in the following style:

NEW SECTION. *Sec. 1. A new section is added to chapter 16.04 DMMC to read as follows: ...*

- d. If several sections are being added to the same DMMC chapter, use the format in section I(H)(1) and see section I(L) (CODIFICATION).
- e. DMMC section numbers are usually not assigned in the ordinance. Code numbers are added in the codification process. If it is desired to place DMMC section numbers in the ordinance, obtain approval from the office of the City Attorney.
- f. Where a DMMC chapter has been divided by subchapter headings or articles, codification directions are in the following style:

NEW SECTION. *Sec. 1. A new section is added to chapter 14.44 DMMC under the article "Definitions" to read as follows:*

- g. When it is desired to create a new subchapter hearing or article, codification directions are in the following style:

NEW SECTION. *Sec. 1. A new section is added to chapter 14.44 DMMC under the article "_____ " to read as follows:*

3. Amendatory sections.

- a. Always use the current version of the DMMC for preparing amendments. The use of older versions will result in the inadvertent deletion of current language, the reenactment of obsolete language, and other serious consequences. To determine if a DMMC section has been amended or repealed since the latest publication of the code, contact the City Clerk.
- b. Amendments of existing DMMC sections affect both the existing DMMC section and the ordinance(s) that preceded the codified version. The amendatory heading ("jingle") shall recite both the DMMC citations and ordinance numbers. The base language used in the body of the ordinance is that of the DMMC rather than the ordinance. For example:

Sec. 2. DMMC 2.60.010 and section 1 of Ordinance No. 255 are each amended to read as follows:

- c. Frequently an DMMC section will have been amended several times. When amending a section that has already been amended from its original enactment, recite the original ordinance and section number together with all amending ordinance and section numbers. For example:

Sec. 3. DMMC 2.60.010 and section 1 of Ordinance No. 255 as amended by section 2 of Ordinance No. 455 are each amended to read as follows:

Legislative Drafting Standards

Page 8 of 20

- d. If the section being amended is uncodified (and therefore has no DMMC number), the amendatory jingle would read as follows:

Sec. 4. Section 1 of Ordinance No. 765 (uncodified) is amended to read as follows:

- e. The amendatory jingle is constructed from the history note following each DMMC section. The word "*Prior*" in a history note indicates a break in the statutory chain, usually as the result of a repeal or an amendment and reenactment. In those cases the citation immediately preceding the word "*Prior*" is treated as the original ordinance.
- f. The jingle for reenactments and for reenactments and amendments includes the DMMC section being amended and the ordinances being reenacted.
- g. When amending a section, the entire section is placed verbatim in the ordinance. If an ordinance section was codified as several DMMC sections and the amendment affects only one of the DMMC sections, then only the DMMC section is quoted. All changes are expressed as follows:

- i. New matter added to an amendatory section is underlined.
- ii. Language and punctuation intended to be deleted are set forth in full, enclosed by double parentheses, and such language is overstruck with hyphens. For example:

... ((~~language to be stricken~~)) ...

(Note: If the Track Changes tool of Microsoft Word is used, no double parentheses are needed around the overstruck language.)

- iii. Deleted language and punctuation precede new text. For example:

... in the sum of ((~~fifty~~)) one hundred dollars ((~~(\$50)~~)) (\$100) ...

(See Note above regarding Track Changes)

- iv. Words not affected by the proposed amendment are printed without changes.
- v. To correct an error that is presently indicated in the DMMC by bracketed material following the erroneous material, delete both the erroneous material and the bracketed material and insert the correct language as underlines for new material:

... ((~~eff{or}~~)) or ...

- vi. When a section is to be changed to such a degree that it would be preferable to repeal the section and substitute another, the following format is used:

NEW SECTION. *Sec. 1. DMMC 2.60.010 and section 1 of Ordinance No. 255 are each repealed, and the following is substituted:*

J. PENALTIES

1. Ordinances may include a penalties clause immediately following the body.
2. A criminal penalty clause shall read as follows:

NEW SECTION. *Sec. 13. Penalty. A violation of or failure to comply with this (ordinance) (section) (chapter) (title) is a (gross) misdemeanor.*

3. A civil penalty clause shall read as follows:

NEW SECTION. *Sec. 13. Penalty.*

(1) No person shall ... (describe prohibited action).

(2) A violation of or failure to comply with this (ordinance) (section) (chapter) (title) is a class ____ civil infraction.

(3) Each day upon which a violation occurs constitutes a separate violation.

Note: Subsection (3) of the civil penalty clause is optional.

K. REPEALERS

1. Repealers are constructed from the history note following each DMMC section. The word "Prior" in a history note indicates a break in the statutory chain, usually as the result of a repeal or an amendment and reenactment. In those cases the citation immediately preceding the word "Prior" is treated as the original ordinance. For example:

NEW SECTION. *Sec. 14. Repealer. DMMC 2.60.010 and section 1 of Ordinance No. 255 as amended by section 2 of Ordinance No. 455 are each repealed.*

2. If the section being repealed is uncodified (and therefore has no DMMC number), the amendatory jingle would read as follows:

NEW SECTION. *Sec. 14. Repealer. Section 1 of Ordinance No. 255 (uncodified) is repealed.*

3. When repealing more than one section of the DMMC, cite the DMMC section, the original ordinance section, and all subsequent amendments. For example:

NEW SECTION. *Sec. 14. Repealer.*

Legislative Drafting Standards

Page 10 of 20

- (1) *DMMC 2.60.010 and section 1 of Ordinance No. 255 as amended by section 2 of Ordinance No. 455 are each repealed.*
- (2) *DMMC 2.60.020 and section 2 of Ordinance No. 255 are each repealed.*

3. When repealing the provisions of an entire chapter and the chapter number is to be reused, do not state "*chapter 18.32 DMMC is repealed*". Instead, use the following format:

NEW SECTION. *Sec. 14. Repealer. The previously codified provisions of chapter 18.92 DMMC and sections 1 through 5 of Ordinance No. 770 are each repealed.*

4. Repealer sections follow the main body of the ordinance.
5. The repeal of a repealer will not revive the underlying ordinance.
6. If repealing or extensively amending a section, the author may also need to amend those sections of the DMMC that contain references to the affected section.

L. CODIFICATION

If it is desired to place codification instructions in the ordinance and the office of the City Attorney concurs, place the following section immediately before the **Severability - Construction** section. For example:

NEW SECTION. *Sec. 15. Codification. Sections 1 through 14 of this ordinance shall be codified as a new chapter in Title 12 DMMC.*

M. SEVERABILITY/CONSTRUCTION

1. All ordinances, except those only repealing ordinances or sections of ordinances, shall include a severability/construction clause immediately following the body.
2. The severability/construction clause shall read as follows:

NEW SECTION. *Sec. 16. Severability - Construction.*

(1) *If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.*

(2) *If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.*

N. EFFECTIVE DATE

1. All ordinances shall include an effective date clause immediately following the body.

Legislative Drafting Standards

Page 11 of 20

2. The following two effective date sections are the last sections in the ordinance. Note that the same section number is used for both sections. The City Attorney shall make the final determination as to which section is appropriate.

NEW SECTION. *Sec. 17. **Effective Date.** This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication accordance with law.*

NEW SECTION. *Sec. 17. **Effective Date.** This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.*

O. CLOSING PHRASES AND LEGAL SIGNATURES

1. All ordinances shall include a closing phrases and legal signatures block as the last portion of the ordinance.
2. The closing phrases and legal signatures block shall read as follows:

PASSED BY the City Council of the City of Des Moines this ____ day of _____, 199_ and signed in authentication thereof this ____ day of _____, 199_.

MAYOR

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published:

Effective Date: _____

*Only on ordinances
subject to referendum.*

VS/DRAFTORD/04-220

3. The closing phrases and legal signatures block shall not appear on a separate page without some section of the ordinance appearing on the page.

P. SUGGESTIONS FOR COMMONLY USED CLAUSES

1. Definitions, introducing.

- a. The following language is used when introducing a section that contains only definitions

Sec. n. Definitions.

(1) ***Use of words and phrases.*** *As used in this ordinance, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.*

(2) *"1st word or phrase to be defined" means definition.*

(3) *"2nd word or phrase to be defined" means definition.*

- b. If the definition is restrictive, use *"means."* Do not use the phrase *"shall mean."*
- c. If the definition is inclusive, use *"includes."*
- d. Defined terms should be used consistently.
- e. Do not define terms that have been defined in DMMC 1.01.050 and chapters 17.08 and 18.04 DMMC.
- f. Definition sections should appear near the beginning of the ordinance.
- g. Definition sections should not contain substantive provisions of law such as fees, penalties, or prohibited conduct.
- h. If a chapter will contain only definitions, then each word or phrase defined should be a separate section of the ordinance.

Q. ADDITIONAL INSTRUCTIONS

1. The department named in an ordinance should be the correct name at present. If this requires amending other section(s) of the DMMC, do so.
2. Capitalization forms:

Jurisdictional names

City of Des Moines

County of King

State of Washington

federal government

3. All code references are as follows:

Legislative Drafting Standards

Page 13 of 20

DMMC 1.04.010	chapter 1.04 DMMC	Title 1 DMMC
KCC 1.04.010	chapter 1.04 KCC	Title 1 KCC
WAC 1.04.010	chapter 1.04 WAC	Title 1 WAC
RCW 1.04.010	chapter 1.04 RCW	Title 1 RCW

4. Do not begin a sentence or section with the word *"That"*.
5. When amending a section, do not place the quoted material between quotation marks. Instead, indent the material in a separate paragraph without quotes below the amendment language.
6. The present tense should be used instead of the future tense. *"A person who violates this section ..."* is preferable to *"A person who shall violate this section ..."* Similarly, the present perfect tense should be used instead of the future perfect tense. *"After apprehending a person who has violated this section ..."* is preferable to *"After apprehending a person who shall have violated this section ..."*
7. The active voice is preferable to the passive voice. The active voice forces the author to identify the party who is required or authorized to act. Thus, *"The director shall adopt rules ..."* is less ambiguous than *"Rules shall be adopted ..."*
8. Do not use made-up words ending in *"-ize"* or *"-ization,"* such as *"prioritize"* or *"prioritization."*
9. Avoid adjective such as *"real," "true,"* and *"actual"* and adverbs such as *"duly"* and *"properly."* Since these ideas are normally implied, expressing them in some instances creates doubt that they are implied elsewhere.
10. Avoid the use of *"such."* Substitute *"the," "that,"* or another pronoun. Ordinarily, *"such"* requires the addition of *"a"* before a true singular noun; for example, *"such a person."*
11. In a series of three or more words or phrases, a comma is used after each item except the last (as in *"officers, deputies, and employees"*). This rule applies to both conjunctive (*"and"*) and disjunctive (*"or"*) series.
12. Use of shall, may and must.
 - a. The word *"shall"* should only be used to create a legal obligation, i.e., to require or prohibit the performance of an act (as in *"The City Manager shall appoint ..."* or *"The Director shall not allow ..."*).
 - b. The word *"may"* indicates discretion and is used to confer a right, privilege, or power.
 - c. To determine whether the use of *"shall"* or *"may"* is correct, a helpful test is to mentally substitute for the word *"may"* the words *"has the authority to"* and substitute for the word *"shall"* the words *"has the duty to."* This reading will make it readily apparent whether the usage is correct.

Legislative Drafting Standards

Page 14 of 20

- d. The word "*must*" creates a condition precedent. Use "*must*" if the verb it qualifies is an inactive verb or an active verb in a passive voice. Examples: "*The applicant 'must be' (inactive verb) an adult.*" "*Prior convictions 'must be set forth' (active verb in passive voice) in the application.*"
13. Ambiguity, wordiness, and legalese may be eliminated by using the following suggested substitutes for the following words or phrases.

Avoid

above
accorded
afforded
aforementioned
aforesaid
all persons
and/or
any and all
as provided in this chapter

at such time as
at the time of
authorized and empowered to
be and the same is hereby
before-mentioned
below
carry out

commence
constitute and appoint
deal with
deemed to be
during such time as
during the course of
each and all
either directly or indirectly
employ (meaning to use)
etc.
every person
except when otherwise provided
expend
fail, refuse, or neglect
following section

following
for the duration of
for the reason that
formulate
forthwith
from and after

Use

See section I(A)(8)
given
given
"the," "that," or "those"
"the," "that," or "those"
a person
either A or B, or both
(either word)
(usually unnecessary-
delete)
when
when
may
is
"the," "that," or "those"
See section I(A)(8)
"execute" or
"complete"
begin
appoint
"address" or "conduct"
is
while
during
(either word)
(delete)
use
(delete)
a person
(delete)
spend
fail
section (fill in
number)
See section I(A)(8)
during
because
make
immediately
after

Legislative Drafting Standards

Page 15 of 20

Avoid

from July 1st
full and complete
give consideration to
greater than
has the duty to
have need of
hereafter

hereby
hereinabove
hereinafter
hereinbefore
heretofore

in case
in order to
in the event that
in the interests of
inquire
institute (verb)
is able to
is applicable
is authorized to
is binding upon
is defined as and shall be
construed to mean
is direct to
is empowered to
is entitled to
is hereby authorized to and
it shall be his duty to
is required to

is unable to
it is his duty to
it is lawful to
make application
make payment
make provision for
means and includes
modify
necessitate
no later than June 30th
none whatever
not later than
null and void
occasion (verb)
of a technical nature
on and after July 1st

Use

after June 30th
full
consider
more than
shall
need
after the effective
date of this
ordinance
(delete)
See section I(A)(8)
See section I(A)(8)
See section I(A)(8)
before the effective
date of this ordinance
if
to
if
for
ask
"begin" or "start"
can
applies
may
binds
means
shall
may
may
shall
"shall" (if action) or
"must" (if condition)
cannot
shall
may
apply
pay
provide for
"means" or "includes"
change
require
by July 1st
"none" or "no"
by
void
cause
technical
after June 30th

Legislative Drafting Standards

Page 16 of 20

Avoid

on his own application
on or after July 1st
on or before July 1st
operable
or, in the alternative
per annum
per centum
period of time
preceding
prior to
promulgate
provided (conjunction)
provided, however that

provision of law
purchase
pursuant to
regulations
render (meaning "to give")
retain
rules and regulations
said
same

shall be
shall be construed to mean
shall be deemed to be
shall constitute
shall have the power to
shall mean
sole and exclusive
subject to the provisions of
subsequent to
such
suffer
terminate
the provisions of section 5
to wit

under the provisions of
unless and until
until such time as
utilize
whatsoever
whenever
wheresoever
whosoever
whosoever

Use

at his or her request
after June 30th
by July 1st
operative
or
a year
percent
"period" or "time"
See section I(A)(8)
before
adopt
"if" or "but"
"except," "but," or
"however" or
start a new sentence
law
buy
under
rules
give
keep
rules
"the," "that," or "those"
(appropriate
pronoun)
"is" or "are"
means
is
is
may
means
exclusive
under
after
the
allow
end
section 5
(delete or use
"namely")
under
"unless" or "until"
until
use
whatever
"when" or "if"
where
(archaic; improper)
whoever

Legislative Drafting Standards

Page 17 of 20

14. Numbers.

- a. Quantities and amount not greater than 10 are written in words, e.g., one and one-half, five.
- b. Quantities and amount greater than 10 are written in numerals, e.g., 450.75, .
- c. Dollar amounts are written in numerals, e.g., \$1,220.70, \$.50.

15. Dates.

April 1, 1955

April 1st

not "*first day of April*" or "*first of April*"

January 1981

(no commas)

April 1981 through June 1981

(no commas)

January 1, 1981, through

June 1, 1981,

(commas on each side of year)

16. Subsection numbering.

(1) First subsection

(a)

(i)

(A)

(2) Second subsection

II. TYPING INSTRUCTIONS

- A. All proposed ordinances are typed on white paper that has dimensions of 8.5" by 11".
- B. All margins are 1", including the bottom margin (footer).
- C. The typeface for all ordinances is 12 point Courier New.
- D. The header for all pages, except the first, shall appear in the upper left hand corner in the following format:

Ordinance No. _____

Page ____ *of* ____

- E. Code references shall appear on the same line. For example:

DMMC 12.04.010

or

RCW 15.28.050

Legislative Drafting Standards

Page 18 of 20

- F. Numbers are written out and followed by numerals.

five (5) five hundred dollars (\$500) five inches (5")

- G. In outlining subsections, indent using tab stops as follows:

(1) (tab stop at 0.7")
 (a) (tab stop at 1.2")
 (i) (tab stop at 1.7 ")
 (A) (tab stop at 2.2")

- H. When a new version of an ordinance is made, add the author(s), together with the date of the draft, at the top of the first page.

Legislative Drafting Standards

Page 19 of 20

ORDINANCE FORM

(save the shell ordinance below as a template for future use)

Always email your final draft to Vicki prior to presenting to the City Clerk for Council packets.

CITY ATTORNEY'S FIRST DRAFT 10/20/04

DRAFT ORDINANCE NO. 04-220

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON
relating to

WHEREAS, and

WHEREAS; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1.

NEW SECTION. Sec. 2. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Legislative Drafting Standards

Page 20 of 20

NEW SECTION. **Sec. 3. Effective date.** This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

NEW SECTION. **Sec. 3. Effective date.** This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this ____ day of _____, 2004 and signed in authentication thereof this ____ day of _____, 2004.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

Effective Date: _____ [only if 30 day ordinance]

DRAFTORD:04-220